

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-25 are pending in this application.

I. Interview Summary

Applicant thanks the Examiner for the courtesy extended during the Examiner Interview which took place with Applicant's representative Troy Smith (Reg. No. 62,349) on June 28, 2010. During the Interview, the authentication and authorization procedures disclosed in the 3GPP specification were discussed. Claim 1 was also discussed. No agreement as to the allowability of the claims was reached.

II. Claim Rejections Under 35 U.S.C. § 103 regarding 3GPP TS 23.234 V6.0.0 2004-03 in view of Moon (US 2003/0163577 A1)

In section 4 of the Office Action, Claims 1-4, 6-12, and 14-25 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over 3GPP TS 23.234 V6.0.0 2004-03 (hereinafter "3GPP") in view of Moon, U.S. Publication No. (US 2003/0163577 A1) (hereinafter "Moon"). Applicant submits that 3GPP and Moon, alone or in combination, fail to teach, suggest, or disclose each and every limitation of Claims 1-4, 6-12, and 14-25.

A. The combination of 3GPP and Moon fails to teach, suggest, or disclose the claimed "resource authorization identifier."

Claim 1 recites in part "resource authorization identifier." Independent Claims 8, 9, 15-17, 22, and 25, although different in scope, contain a similar element. Each of the remaining pending claims depends upon one of the independent claims, and therefore, incorporates a similar element. On page 3 of the Office Action, the Examiner asserts that 3GPP teaches this element. Applicant respectfully disagrees.

On page 3 of the Office Action, the Examiner asserts:

[3GPP discloses] communicating a resource authorization identifier to the mobile terminal (Pages 35 and 36, "the WLAN UE sends a **NAI** to the WLAN AN ... If the WLAN AN is not able to route the authentication request (e.g., in the case where the WLAN AN receives an initial NAI", also see Fig. 4.1, Paragraph 5.1, lines 14-15 and page 12, lines 12-18, "WLAN Access Authorization", "Access to 3GPP PS based services shall be provided via WLAN", note that at least one resource authorization identifier is disclosed e.g., UE's local IP address, WLAN Authentication signaling, the Network Access Identifier (NAI), keying material and/or authorization information)

(Underlining in the original; Emphasis added in bold).

Paragraph 5.1, lines 14-20 and page 12, lines 12-18 of 3GPP provide:

WLAN Access Authorization shall occur upon the success of the authentication procedure. It shall take into account the user's subscription profile and optionally information about the WLAN AN, such as WLAN AN operator name, WLAN AN location information (e.g., country, telephone area code, city), WLAN AN throughput (e.g., maximum and minimum bandwidth guarantees for both ingress and egress traffic). This information is used to enable use-case scenarios like location based authentication/authorization, location based billing/customer care, and location based service offerings.

...

- Access to 3GPP PS based services shall be provided via WLAN. The interworking architecture shall be able to support all 3GPP PS based services.
- Access to PS based services normally provided by the 3GPP PS Core Network shall be provided via WLAN. WLAN access to these services shall support the same features as those supported via the 3GPP PS Core Network according to operator choice, e.g. private addressing schemes, external address allocation, secure tunneling to private external network. Quality of Service shall be supported when accessing these services via

WLAN, although some limitations may exist because of the WLAN AN.

In Section 6 of the Office Action, the Examiner responded to the Applicant's previous arguments regarding the cited art failing to teach, suggest, or disclose a "network resource identifier." Specifically, the Examiner cites to the above sections of 3GPP and page 12 of 3GPP which provides in part:

WLAN Authentication signalling is executed between WLAN UE and 3GPP AAA Server for the purpose of authenticating the end-user and authorizing the access to the WLAN and 3GPP network.

...

After the authentication process succeeds, there could be additional conditions for the 3GPP AAA Server to decide whether the access is allowed and what access rules/policy should be applied. These conditions may be based on the subscriber's profile, the account status, O&M rules, local agreements or information about the WLAN AN.

Thus, the cited portions of 3GPP discuss authentication and authorization. As described above, authentication is between the user equipment and the 3GPP AAA server for the purpose of authenticating the end-user. After the end-user is authenticated, WLAN access authorization occurs. Applicant submits that the 3GPP authentication and authorization procedures do not disclose the claimed "resource authorization identifier."

Paragraphs [0024] and [0025] of the present application provide in part:

The WLAN authentication and authorization by the 3GPP AAA server involves the user of an EAP (Extensible Authentication Protocol) Authentication and Key Agreement (AKA) procedure. ... If the authentication is successful, the MS may register as a WLAN user to the 3GPP network PLMN. ...

[0025] To receive and transmit packet-switched data, a **registered** mobile station MS has to activate at least one tunnel.

(Emphasis added).

Thus, activating at least one tunnel occurs **after** the authentication and authorization. In addition, paragraph [0026] of the present application expressly provides that “[t]he tunnel establishment is not coupled to WLAN access authentication/authorization.” 3GPP also explicitly states this in the last paragraph of section 5.7.1. As such, Applicant submits that neither authenticating nor authorizing is relevant to a “resource authorization identifier.” As such, the cited portions of 3GPP cannot disclose the claimed “resource authorization identifier.”

In the Response to Arguments section of the Office Action, the Examiner cites to “using UE’s location IP address allocation.” Applicant submits that this quoted text is not included in 3GPP, and therefore, not a valid grounds for rejecting the claims. Applicant submits that even if this section was part of 3GPP, the cited portion is in reference to WLAN access, which, as described above, cannot disclose the claimed “resource authorization identifier.”

For at least these reasons, Applicant respectfully requests the withdrawal of the rejection for Claims 1-4, 6-12 and 14-25.

III. Claim Rejections Under 35 U.S.C. § 103 regarding 3GPP TS 23.234 V6.0.0 2004-03 in view of Moon (US 2003/0163577 A1) and further in view of Oba *et al.*, (US 2005/0163078)

On page 8 of the Office Action, Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as allegedly being obvious over 3GPP in view of Moon and in further view of Oba *et al.*, (US 2005/0163078) (hereinafter “Oba”). Applicant respectfully traverses this rejection.

Claim 5 depends upon independent Claim 1 and Claim 13 depends upon independent Claim 9. Applicant asserts that Oba, alone or in combination with 3GPP and Moon, fails to remedy the deficiencies of 3GPP and Moon as discussed in section II above. As such, for at least the reasons above in section II, Applicant respectfully requests withdrawal of the rejection of Claims 5 and 13.

IV. Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

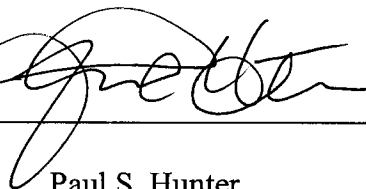
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date August 12, 2010

FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

By



Paul S. Hunter
Attorney for Applicant
Registration No. 44,787